

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MADISON

April 26, 2010 - 6 p.m.

CALL TO ORDER

The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 26th day of April 2010. Mayor Holden called the meeting to order at 6 p.m. in the Mayor's Office, Room #210 of Bayley-Ellard High School, 205 Madison Avenue, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

The Borough Clerk read the statement pursuant to the Open Public Meetings Act:

"In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of Bayley-Ellard High School, and filing a copy in the office of the Clerk, all on January 7, 2010. This Notice was made available to members of the general public."

ROLL CALL

The Borough Clerk called the roll and the following acknowledged their presence:

Mayor Mary-Anna Holden

Council Members:

Astri J. Baillie
Robert H. Conley
Jeannie Tsukamoto
Vincent A. Esposito
Sebastian J. Cerciello
Donald R. Links

Also Present:

Raymond M. Codey, Borough Administrator
Elizabeth Osborne, Borough Clerk
Joseph Mezzacca, Jr., Borough Attorney

AGENDA REVIEW

One Litigation Matter was added to the Executive Agenda.

READING OF CLOSED SESSION RESOLUTION

Mrs. Tsukamoto moved:

RESOLVED, that the meeting be adjourned to an Executive Session to consider the following matters:

MINUTES FOR APPROVAL (1)
Executive Session Minutes of April 12, 2010

Date of public disclosure 60 days after conclusion, if disclosure required.

CONTRACT MATTERS (3)
HDM CHANGE ORDER

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PUBLIC POWER ASSOC. OF NJ
T&M ASSOCIATES, INC.

Date of public disclosure 60 days after conclusion, if disclosure required.

PERSONNEL MATTERS (3)
FIRE DEPARTMENT HIRING LIST
BUDGET MATTERS-NEGOTIATIONS
UTILITY COLLECTION SUPERVISOR

Date of public disclosure 90 days after conclusion, if disclosure required.

LITIGATION MATTERS (2)
COUGAR FIELD
CHATHAM DAY SCHOOL

Date of public disclosure 60 days after conclusion, if disclosure required.

Seconded: Ms. Baillie
Vote: Approved by voice vote

RECONVENE IN COUNCIL CHAMBER

Mayor Holden reconvened the Regular Meeting at 8:20 p.m. in the 3rd Floor Meeting Room of Bayley-Ellard with all members present. The Pledge of Allegiance was recited by all.

GREETINGS TO PUBLIC

**PROCLAMATION FOR THE NATIONAL ASSOCIATION OF LETTER CARRIERS
FOOD DRIVE DAY – MAY 8, 2010**

Mayor Holden presented the following Proclamation to Cheryl Smith:

WHEREAS, an estimated 35 million people go hungry every day in America, including more than 12 million children, a reality that is being tackled by the U. S. letter carriers through their initiation of the largest one-day food drive in the nation: The National Association of Letter Carriers (NALC) Food Drive, which is held annually on the second Saturday in May; and

WHEREAS, in 2009, the NALC Food Drive provided 73.4 million pounds of food for the needy, including a one million pound donation of canned food from Campbell Soup; together, the NALC and Campbell Soup, will cosponsor the printing of more than 125 million postcard flyers for delivery to residents to encourage the general public to contribute non-perishable foods to this drive; and

WHEREAS, the NALC Food Drive is the outgrowth of a tradition of community service exhibited by the letter carriers' union, whether through collecting funds for a charity such as the Muscular Dystrophy Association, watching over the elderly through the Carrier Alert Program, or assisting the American Red Cross during time of disaster; and

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WHEREAS, the NALC Food Drive is supported by the U. S. Postal Service, local United Ways throughout America, and the AFL-CIO Community Services network, and is presently seeking local support from all communities and the news media to encourage donations which, in turn, are taken to local food banks, pantries and shelters; specifically, in this area, the Interfaith Food Pantry will be the recipient of these contributions;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim Saturday, May 8, 2010 as **NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE DAY**, and I call upon the people of Madison to join the more than 10,000 cities and towns across America in leaving non-perishable food items, at their mailboxes or in post offices, in an effort of goodness and compassion in reaching out to feed the hungry. Further, I commend the National Association of Letter Carriers for initiating this humanitarian project that will directly benefit those in need.

Mary-Anna Holden, Mayor
April 26, 2010

PROCLAMATION FOR SILVER STAR BANNER DAY – MAY 1, 2010

Mr. Peter Flemming accepted the following Proclamation presented by Mayor Holden:

WHEREAS, the Borough of Madison has always honored the sacrifice of the men and women in the Armed Forces; and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star Banner and Flag; and

WHEREAS, to date, The Silver Star Families of America has freely given thousands of Silver Star Banners to the wounded and their families; and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this Borough and Country with Silver Star Banners, Flags and care packages; and

WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star Banner in a window or a Silver Star Flag flying, that people remember the sacrifices for this Borough, State and Nation; and

WHEREAS, the people and Mayor of the Borough of Madison wish that the sacrifice of so many in our Armed Forces never be forgotten;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim our appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members.

Mary-Anna Holden, Mayor
April 26, 2010

Mayor Holden read the following Proclamation:

PROCLAMATION FOR NATIONAL PRESERVATION MONTH – MAY 2010

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a community; and

WHEREAS, historic preservation is the greenest form of building, creating local jobs while rehabilitating and recycling existing buildings; and

WHEREAS, "Old is the New Green" is the theme for National Preservation Month 2010, co-sponsored by the Borough of Madison, Preservation New Jersey and the National Trust for Historic Preservation;

NOW, THEREFORE, I, Mary-Anna Holden, Mayor of the Borough of Madison, on behalf of the Governing Body, do hereby proclaim May 2010 as National Preservation Month, and call upon the people of the Borough of Madison to join their fellow citizens across New Jersey and the United States in recognizing and participating in this special observance, starting this Thursday, April 29, 2010, at Madison's first-ever "Green Fair."

Mary-Anna Holden, Mayor
April 26, 2010

APPROVAL OF MINUTES

Ms. Baillie moved approval of the **Executive Minutes of April 12, 2010**. Mrs. Tsukamoto seconded the motion, which passed by the following roll call vote:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

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REPORTS OF COMMITTEES

Community Affairs

Ms. Baillie, Chair of the Committee, made the following comments:

The Madison Green Fair will take place Thursday, April 29th, from 3:30 to 7:30 p.m. in front of the Museum of Early Trades & Crafts. Annual May Day events are scheduled for May 1st; any residents who wish to participate should contact the Main Street Executive Director.

Finance and Borough Clerk

Mr. Conley, Chair of the Committee, made the following comments:

Mr. Conley noted the discussion later in the Council meeting regarding the defeated Board of Education budget. The Governing Body has until May 18, 2010, to take formal action regarding the school budget.

Public Safety

Mrs. Tsukamoto, Chair of the Committee, made the following comments:

The Madison Fire Department has responded to three fires in the Borough in the past two weeks. The Madison Police Department traffic safety officers will make a presentation at this Council meeting regarding a new state law requiring motorists to stop for pedestrians in crosswalks.

Utilities

Dr. Esposito, Chair of the Committee, made the following comments:

Electric crews have been installing primary voltage feeder lines at Giralda Farms to increase service. Electric crews have also repaired a failed transformer in the commercial district, restoring power to the areas quickly.

Public Works and Engineering

Mr. Cerciello, Chair of the Committee, made the following comments:

Mr. Cerciello reported a meeting with Borough Engineer Robert Vogel regarding ordinances to make the permit process for new businesses easier; also Architect Alan Andreas will make a presentation at this meeting regarding a pavilion at Rosedale Park.

Health & Public Assistance

Mr. Links, Chair of the Committee, no report.

COMMUNICATIONS AND PETITIONS

The Borough Clerk announced receipt of the following communications:

Letter received April 14, 2010, from Joann Burke of Main Street commending Firefighters Kevin Williams and Robert Dunne for their help in rescuing her cat.

Letter received April 16, 2010, from Heidi Zapf of Samson Avenue thanking the Mayor and Council for their response to parking issues on Samson Avenue.

Letter received April 26, 2010, from John A. Cochario of Cochario Landscape, LLC, regarding topsoil and grass seed replaced on South Street.

PRESENTATION – STOP FOR PEDESTRIANS LAW

Traffic Safety Officer Sgt. John Keymer and Police Officer Joseph Longo gave a power point presentation regarding a recently enacted New Jersey State law requiring motorists to stop for pedestrians in crosswalks. The “Stop for Pedestrians

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Law” requires that motorists come to a complete stop at crosswalks or face a possible \$200.00 fine. Pedestrians who don’t use the crosswalks or “jaywalk” can be fined up to \$54.00. New signage has been ordered by the Madison Police Department.

INVITATION FOR DISCUSSION (1 of 2)

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. The Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

Doug Smith, Madison Recreation Director and Recycling Coordinator, read a prepared statement regarding his employment with the Borough of Madison. Mr. Smith stated that he has been employed with the Borough for 37 years, since April of 1973, and has been the Recycling Coordinator since 1991. Mr. Smith listed several of his accomplishments working with sports groups of all ages, with increased numbers of participants as well as increased venues. Mr. Smith indicated an increase in revenues from the recycling program and noted that certification for recycling coordinators is required by the State of New Jersey. Mr. Smith explained his volunteering for many events, including annual ski trips, and noted the necessity of a full-time Director for the many Borough programs. Mr. Smith indicated that if the position were to be made part-time, he would be forced to retire.

Hebby Emerson, Fairwood Road, spoke in favor of improvement to Lincoln Place, noting that any improvement is welcome. Mr. Emerson noted that the improvements will benefit merchants as well as residents.

John Morris, Bedford Court, also supports improvement to Lincoln Place, noting that if funding is available, the improvements will provide dividends to all members of the community.

Craig Erezuma, Albright Circle, stated that he is a resident, as well as a member of the DDC, in support of the improvement project for Lincoln Place.

Francis Moore, Brooklake Road, thanked the Mayor and Council for approving funds for the roadway reconstruction project for Brooklake Road.

AGENDA DISCUSSIONS

04/26/2010-1 APPROVAL OF PROPERTY TAX EXEMPTION DUE TO WARTIME INJURY

There was agreement to list Resolution R 112-2010 on the Consent Agenda.

04/26/2010-2 Item removed

04/26/2010-3 ALCOHOLIC BEVERAGE LICENSE FEES

Mrs. Osborne explained that license fees for renewal of alcoholic beverage licenses have not been increased since 1993 and noted fees charged by surrounding communities. There was consensus to list Ordinance 22-2010 for introduction.

04/26/2010-4 REDEMPTION CALCULATION - TAX COLLECTOR

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Mr. Codey explained that this fee is for additional requests for calculations by the Municipal Tax Collector for redemptions past two requests. There was no objection to listing Ordinance 23-2010 for introduction.

04/26/2010-5 APPROPRIATE FUND FOR IMPROVEMENTS TO LINCOLN PLACE

Main Street Executive Director Jim Burnet explained proposed improvements to Lincoln Place. Following discussion of the introduction of the municipal and capital budgets, there were no objections to listing Ordinance 24-2010, Ordinance 25-2010 and Ordinance 26-2010 for introduction and advertise the public hearings for the Council meeting of May 24, 2010.

04/26/2010-6 RECREATION DIRECTOR

Mr. Codey explained a change in the Recreation Director's position from full-time to part-time is not a reflection on Mr. Smith's service to the Borough, but rather a look forward as a cost savings. The recycling function could be a shared service with another municipality. Mr. Codey noted that there is no resolution on the agenda for this meeting, but there should be some form of a motion. Mrs. Tsukamoto moved that a resolution be drafted for the next Council meeting, Mr. Links seconded and the motion carried by voice vote.

04/26/2010-7 PRESENTATION REGARDING CONSTRUCTION OF A NEW COMMUNITY PAVILION

At Council Member Cerciello's recommendation, Alan Andreas, Architect, presented a plan for a pavilion north of the skating pond. Mr. Andreas indicated that the nature hut would be demolished, and the new pavilion would have restrooms, storage and a picnic area. This would join the skating area and possibly a camping area and fire pit. There was consensus to continue the discussion regarding a pavilion.

Mayor Holden recognized resident Conner Reeves, Eagle Scout candidate, and asked him to present his community project. Mr. Reeves indicated that he would like to refurbish the fire pit area, rebuilding the pit, storage and grilling. He is looking to complete the project by fall, possibly this summer.

Mr. Paul Allocco, Chair of the Parks Advisory Committee, addressed the Mayor and Council, noting that the Committee would like to start with Mr. Reeves' Eagle Scout project. Mr. Reeves was advised to provide a sketch of his proposal to the Borough Engineer.

04/26/2010-8 This discussion item was removed from the agenda.

04/26/2010-9 APPROPRIATE \$17,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A TIRE CHANGER, WHEEL BALANCER AND ACCESSORIES

There was no objection to listing Ordinance 27-2010 for introduction.

04/26/2010-10 AWARD PROFESSIONAL SERVICE CONTRACT FOR CONSTRUCTION OVERSIGHT OF PROSPECT ST AND KINGS RD SIGNALIZATION IMPROVEMENTS TO BOSWELL ENGINEERING IN THE AMOUNT OF \$6,000.00

There was no objection to listing Resolution R 117-2010 on the Consent Agenda. Mr. Conley noted that the funding for this project is Capital Ordinance 58-2008.

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04/26/2010-11 AUTHORIZE CHANGE ORDER AND FINAL PAYMENT FROM LANDSCAPE MAINTENANCE SERVICES INC. FOR THE MADISON TRAIN STATION LANDSCAPE PROJECT

Mr. Vogel explained that this project reached substantial completion in December and changes regarding unit qualities were encountered during construction. There was consensus to list Resolution R 118-2010 on the Consent Agenda.

04/26/2010-12 APPROPRIATE \$277,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR CONSTRUCTION OF WATER MAIN REPLACEMENT ON VINTON RD AND BELMONT AVE

Mr. Vogel explained that the appropriation for replacement of water mains is based on a construction plan and cost estimate completed by in-house staff. There was no objection to listing Ordinance 28-2010 for introduction.

04/26/2010-13 BOARD OF EDUCATION BUDGET

Mayor Holden advised that the Shared Services/Joint Finance Committee members will meet tomorrow with representatives from the Madison Board of Education to begin discussion of the defeated school budget. Mayor Holden noted that the Council will take the lead from the Board of Education members with regards to their budget. Mr. Codey explained the process established by the State for recommendations for the defeated school budget, noting formal action is required before May 19th.

ADVERTISED HEARINGS

The Clerk made the following statement:

The ordinances scheduled for hearing tonight were submitted in writing at a Regular Meeting of the Mayor and Council held on April 12, 2010, were introduced by title and passed on first reading, were published in the Madison Eagle and made available to members of the general public requesting same.

Mayor Holden called up the ordinances for second reading and asked the Clerk to read said ordinances by title:

ORDINANCE 10-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF FIRE ALARM FOR THE PUBLIC WORKS BUILDING

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund for purchase of a fire alarm for the Public Works Building; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the General Capital Improvement Fund for purchase of a fire alarm for the Public Works Building; and

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NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$10,000.00 is hereby appropriated from the General Capital Improvement Fund for purchase of a fire alarm for the Public Works Building.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law. Mayor Holden opened up the public hearing on Ordinance 10-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 10-2010, which the Clerk read by title, be finally adopted. Mr. Cerciello seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

Mayor Holden declared the aforementioned adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 11-2010
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$20,000.00
FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF
AN OIL WATER SEPARATOR**

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$20,000.00 from the General Capital Improvement Fund for the purchase of an oil water separator; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$20,000.00 from the General Capital Improvement Fund for the purchase of an oil water separator; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$20,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of an oil water separator.

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SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 11-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 11-2010, which the Clerk read by title, be finally adopted. Mr. Links seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

Mayor Holden declared the aforementioned adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 12-2010
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$34,000.00
FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A
LEAF MACHINE AND ACCESSORIES**

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$34,000.00 from the General Capital Improvement Fund for the purchase of a leaf machine and accessories; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$34,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$34,000.00 from the General Capital Improvement Fund for the purchase of a leaf machine and accessories; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$34,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a leaf machine and accessories.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 12-2010. Since no member of the public wished to be heard, the public hearing was closed.

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Mrs. Tsukamoto moved that Ordinance 12-2010, which the Clerk read by title, be finally adopted. Mr. Cerciello seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

Mayor Holden declared the aforementioned adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 13-2010 *Item removed and # retired*

ORDINANCE 14-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF PUMPS

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund for the purchase of sewer pumps; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.000 from the General Capital Improvement Fund for the purchase of sewer pumps; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$10,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of sewer pumps.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 14-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 14-2010, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

Mayor Holden declared the aforementioned adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 15-2010
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$10,000.00
FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A
CAMERA FOR SEWER LINES AND ACCESSORIES**

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$10,000.00 from the General Capital Improvement Fund for the purchase of a camera and accessories for the sewer lines; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$10,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$10,000.00 from the General Capital Improvement Fund for the purchase of a camera and accessories for the sewer lines; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$10,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a camera and accessories for the sewer lines.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 15-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mr. Cerciello moved that Ordinance 15-2010, which the Clerk read by title, be finally adopted. Mrs. Tsukamoto seconded the motion. There was Council discussion regarding possible shared service, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: Ms. Baillie, Mr. Conley

Mayor Holden declared the aforementioned adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 16-2010
ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 185-32
OF THE BOROUGH CODE TO INCLUDE TIME LIMIT RESTRICTIONS FOR
PARKING ON SAMSON AVENUE BETWEEN MAIN STREET AND KINGS ROAD,
AND STATION ROAD BETWEEN MAIN STREET AND DEAN STREET**

WHEREAS, the Madison Borough Police Department, due to public safety concerns, has recommended that Chapter 185-32 of the Borough Code be amended to limit parking time on portions of Samson Avenue and Station Road as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Location</u>
Samson Avenue	Both	2 hours	Main Street to Kings Road
Station Road	East	2 hours	Main Street to Dean Street

; and

WHEREAS, the Borough Council has determined that Chapter 185-32 of the Madison Borough Code entitled “Schedule IV: Time Limit Parking” should be amended in order implement these changes;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey as follows:

Section 1: Section 185-32 of the Code of the Borough of Madison entitled “Schedule IV: Time Limit Parking” shall be amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Location</u>
Samson Avenue	Both	2 hours	Main Street to Kings Road
Station Road	East	2 hours	Main Street to Dean Street

SECTION 2: This Ordinance shall take effect as provided by law.

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Mayor Holden opened up the public hearing on Ordinance 16-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 16-2010, which the Clerk read by title, be finally adopted. Dr. Esposito seconded the motion. There was Council discussion regarding the time of day for the two-hour limit, to which Mr. Mezzacca explained that the Borough Code already provides for specific time constraints. The motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

Mayor Holden declared the aforementioned adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 17-2010 *Public Hearing Scheduled for May 10, 2010*

ORDINANCE 18-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$323,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE RECONSTRUCTION OF BROOKLAKE ROAD FROM MAIN STREET TO THE FLORHAM PARK LINE

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$323,000.00 from the General Capital Improvement Fund for reconstruction of Brooklake Road between Main Street and the Florham Park line; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$323,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$323,000.00 from the General Capital Improvement Fund for reconstruction of Brooklake Road between Main Street and the Florham Park line; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$323,000.00 is hereby appropriated from the General Capital Improvement Fund for reconstruction of Brooklake Road between Main Street and the Florham Park line.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

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Mayor Holden opened up the public hearing on Ordinance 18-2010. Since no member of the public wished to be heard, the public hearing was closed.

Mrs. Tsukamoto moved that Ordinance 18-2010, which the Clerk read by title, be finally adopted. Mr. Cerciello seconded the motion. There was Council discussion regarding shared cost by Chatham Borough, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

Mayor Holden declared the aforementioned adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

**ORDINANCE 19-2010
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$20,000.00
FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR EQUIPMENT AND
SERVICES TO REPLACE AND IMPROVE BLINKER SIGNALS**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$20,000.00 from the General Capital Improvement Fund for equipment and services to replace and improve blinker signals; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$20,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$20,000.00 from the General Capital Improvement Fund for equipment and services to replace and improve blinker signals; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$20,000.00 is hereby appropriated from the General Capital Improvement Fund for equipment and services to replace and improve blinker signals.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mayor Holden opened up the public hearing on Ordinance 19-2010. Since no member of the public wished to be heard, the public hearing was closed.

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Mrs. Tsukamoto moved that Ordinance 19-2010, which the Clerk read by title, be finally adopted. Mr. Cerciello seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

Mayor Holden declared the aforementioned adopted and finally passed and asked the Clerk to publish notice thereof in the newspaper and file the ordinance in accordance with the law.

ORDINANCE 20-2010 Public Hearing Scheduled for May 10, 2010

INTRODUCTION OF ORDINANCES

The Clerk made the following statement:

Ordinances 22-2010 and 23-2010 scheduled for first reading have a hearing date set for May 10, 2010; Ordinances 24-2010 through 28-2010 scheduled for first reading have a hearing date set for May 24, 2010; all will be published in the Madison Eagle, posted on the Bulletin Board and made available to members of the public requesting copies.

Mayor Holden called up Ordinances for first reading and asked the Borough Clerk to read said ordinances by title:

ORDINANCE 21-2010 Item removed and # retired

ORDINANCE 22-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING SECTION 56-4 OF THE BOROUGH CODE TO INCREASE ANNUAL ALCOHOLIC BEVERAGE LICENSE FEES

WHEREAS, the Borough Clerk has recommended that the fees for licenses to sell alcoholic beverages be increased; and

WHEREAS, the Borough Council has determined that there is a need to approve such increase.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Chapter 56 of the Borough Code entitled "Alcoholic Beverages" shall be amended as follows:

SECTION 1:

§ 56-4 Fees established.

Annual fees for licenses to sell alcoholic beverages in the Borough of Madison, beginning July 1, 2010, shall be as follows:

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A. Plenary retail consumption license:

Period	Fee
July 1, 2010, through June 30, 2011, and thereafter	\$2,386.00

B. Plenary retail distribution license:

Period	Fee
July 1, 2010, through June 30, 2011, and thereafter	\$1,798.00

C. Club license: \$180.

SECTION 2: All other provisions of the Ordinance not inconsistent herewith shall remain the same.

Mr. Conley moved that Ordinance 22-2010, which the Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

ORDINANCE 23-2010

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 147 OF THE BOROUGH CODE ESTABLISHING A FEE OF \$50.00 FOR CALCULATION OF AMOUNT TO REDEEM A TAX SALE CERTIFICATE PURSUANT TO N.J.S.A. 54:5-54

WHEREAS, the Madison Borough Tax Collector has recommended that the Borough Code be amended to establish a fee of \$50.00 to provide a calculation of the amount to redeem a tax sale certificate pursuant to N.J.S.A. 54:5-54; and

WHEREAS, the Borough Tax Collector is required, pursuant to N.J.S.A. 54:5-54, to provide a calculation of the amount to redeem a tax sale certificate twice within one calendar year at no cost; and

WHEREAS, N.J.S.A. 54:5-54, authorizes a municipality to set a fee not to exceed \$50.00 for any subsequent calculation to redeem a tax sale certificate in excess of twice within one calendar year; and

WHEREAS, the Borough Council has determined to amend Chapter 147 of the Borough Code to establish a fee of \$50.00 for each calculation requested to redeem a tax sale certificate in excess of two per calendar year.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, County of Morris, State of New Jersey as follows:

SECTION 1: Section 147 of the Borough Code is hereby amended to include the following:

§ 147-4. Fee for Tax Sale Redemption Calculation.

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There shall be no fee for calculation by the tax collector of the amount required to redeem a tax sale certificate for the first two requests per calendar year, but for any subsequent calculation requested in the same calendar year, there shall be a fee of \$50.00 per calculation request, pursuant to N.J.S.A. 54:5-54.

SECTION 2: This Ordinance shall take effect as provided by law.

Mr. Conley moved that Ordinance 23-2010, which the Clerk read by title, be adopted. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

ORDINANCE 24-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$295,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR IMPROVEMENTS TO LINCOLN PLACE

WHEREAS, the Borough Administrator has recommended that the Borough appropriate \$295,000.00 from the General Capital Improvement Fund for improvements to Lincoln Place including road repair and reconstruction, sanitary sewer improvements, crosswalks, storm drains, water line repairs, tree wells and trees, park benches, electrical work and sidewalks; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$295,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$295,000.00 from the General Capital Improvement Fund for improvements to Lincoln Place; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$295,000.00 is hereby appropriated from the General Capital Improvement Fund for improvements to Lincoln Place.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mr. Cerciello moved that Ordinance 24-2010, which the Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

ORDINANCE 25-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$125,000.00 FROM THE WATER CAPITAL IMPROVEMENT FUND FOR IMPROVEMENTS TO LINCOLN PLACE

WHEREAS, the Borough Administrator has recommended that the Borough appropriate \$125,000.00 from the Water Capital Improvement Fund for improvements to Lincoln Place including road repair and reconstruction, sanitary sewer improvements, crosswalks, storm drains, water line repairs, tree wells and trees, park benches, electrical work and sidewalks; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$125,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$125,000.00 from the Water Capital Improvement Fund for improvements to Lincoln Place; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$125,000.00 is hereby appropriated from the Water Capital Improvement Fund for improvements to Lincoln Place.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mr. Cerciello moved that Ordinance 25-2010, which the Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

ORDINANCE 26-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$220,000.00 FROM THE ELECTRIC UTILITY CAPITAL IMPROVEMENT FUND FOR IMPROVEMENTS TO LINCOLN PLACE

WHEREAS, the Borough Administrator has recommended that the Borough appropriate \$220,000.00 from the Electric Utility Capital Improvement Fund for

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improvements to Lincoln Place including road repair and reconstruction, sanitary sewer improvements, crosswalks, storm drains, water line repairs, tree wells and trees, park benches, electrical work and sidewalks; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Electric Utility Capital Improvement Fund in an amount not to exceed \$220,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$220,000.00 from the Electric Utility Capital Improvement Fund for improvements to Lincoln Place; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$220,000.00 is hereby appropriated from the Electric Utility Capital Improvement Fund for improvements to Lincoln Place.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mr. Cerciello moved that Ordinance 26-2010, which the Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

ORDINANCE 27-2010

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$17,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR PURCHASE OF A TIRE CHANGER, WHEEL BALANCER AND ACCESSORIES

WHEREAS, the Superintendent of Public Works has recommended that the Borough appropriate \$17,000.00 from the General Capital Improvement Fund for the purchase of a tire changer, wheel balancer and accessories; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the General Capital Improvement Fund in an amount not to exceed \$17,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$17,000.00 from the General Capital Improvement Fund for the purchase of a tire changer, wheel balancer and accessories; and

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NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$17,000.00 is hereby appropriated from the General Capital Improvement Fund for the purchase of a tire changer, wheel balancer and accessories.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

Mr. Cerciello moved that Ordinance 27-2010, which the Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

**ORDINANCE 28-2010
ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$277,000.00
FROM THE WATER CAPITAL IMPROVEMENT FUND FOR CONSTRUCTION OF
WATER MAIN REPLACEMENT ON VINTON ROAD AND BELMONT AVENUE**

WHEREAS, the Borough Engineer has recommended that the Borough appropriate \$277,000.00 from the Water Capital Improvement Fund for construction of water main replacements on Vinton Road and Belmont Avenue; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Capital Improvement Fund in an amount not to exceed \$277,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$277,000.00 from the Water Capital Improvement Fund for construction of water main replacements on Vinton Road and Belmont Avenue; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$277,000.00 is hereby appropriated from the Water Capital Improvement Fund for construction of water main replacements on Vinton Road and Belmont Avenue.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

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Mr. Cerciello moved that Ordinance 28-2010, which the Clerk read by title, be adopted. Mrs. Tsukamoto seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

CONSENT AGENDA RESOLUTIONS

The Clerk made the following statement:

Consent Agenda Resolutions will be enacted with a single motion; any Resolution requiring expenditure is supported by a Certification of Availability of Funds; any Resolution requiring discussion will be removed from the Consent Agenda; all Resolutions will be reflected in full in the minutes.

Mrs. Tsukamoto moved adoption of Resolutions R 110-2010, R 112-2010, R 115-2010 through R 118-2010 and Resolution R 121-2010 listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: None

R 110-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RAFFLES LICENSE APPLICATION SUBMITTED BY NEW JERSEY JAZZ SOCIETY

R 112-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING PROPERTY TAX EXEMPTION FOR DISABILITY DUE TO WARTIME INJURY EFFECTIVE JANUARY 1, 2010

WHEREAS, the owner of Block 902, Lot 12 of the taxing district of the Borough of Madison is a citizen and resident of the State of New Jersey, who served in the United States military in time of war; and

WHEREAS, the owner of Block 902, Lot 12 of the taxing district of the Borough of Madison has been honorably discharged from the United States military and has been found by the United States Department of Veterans Affairs to have a 100% service-connected, permanent disability; and

WHEREAS, N.J.S.A. 54:4-3.30 provides that the dwelling house of any citizen of this State, who is honorably discharged from active military service in time of war and is declared to be 100% permanently disabled by the United States Veterans Administration or its successor, shall be exempt from property taxation; and

WHEREAS, the Borough Administrator has recommended that property taxes for the period of January 1, 2010 to March 31, 2010 for Block 902, Lot 12 be

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cancelled and refunded as the owner of the property qualifies for a tax exemption as a totally disabled veteran pursuant to N.J.S.A. 54:4-3.30; and

WHEREAS, the Borough Tax Assessor has determined that the property owner is eligible for the tax exemption beginning January 1, 2010, pursuant to N.J.S.A. 54:4-3.30.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the property taxes for Block 902, Lot 12 for January 1, 2010 to March 31, 2010, are cancelled and shall be refunded because the owner of the property is a disabled veteran who satisfies the requirements of N.J.S.A. 54:4-3.30.

R 114-2010 Item removed and # retired

R 115-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO T&M ASSOCIATES OF MIDDLETOWN, NJ FOR PROFESSIONAL SERVICES IN THE AMOUNT OF \$18,000.00 FOR SOIL ANALYSIS ON THE SPORTS FIELD REHABILITATION PROJECT

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional engineering services from T&M Associates, Inc., of Middletown, New Jersey for soils analysis on the sports field rehabilitation project (hereinafter the “Contract”); and

WHEREAS, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Engineer has determined and certified in writing that the value of this acquisition will exceed \$17,500.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to T&M Associates, Inc. in an amount not to exceed \$18,000.00, for soils analysis on the sports field rehabilitation project; and

WHEREAS, T&M Associates, Inc., must submit to the Borough Purchasing/Personnel Officer the required documents to satisfy the requirements of N.J.S.A. 19:44A-20.5, since this matter may be awarded without competitive bidding; and

WHEREAS, T&M Associates, Inc. must complete and submit a Business Entity Disclosure Certification which certifies that T&M Associates, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Madison in the previous one year, and that the contract will prohibit T&M

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Associates, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$18,000.00 for this purpose, which funds were appropriated in for this purpose from the Open Space, Recreation and Historic Preservation Trust Fund Account.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. Ten days after receipt of the Business Entity Disclosure Certification and other required documents from T&M Associates, Inc., the Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with T&M Associates, Inc. for soils analysis on the sports field rehabilitation project in an amount not to exceed \$18,000.00, such contract to be in a form approved by the Borough Attorney.

2. When received, the Business Disclosure Entity Certification, Political Contribution Disclosure Form and the Determination of Value shall be placed on file with this resolution.

The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

R 116-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CANCELLATION OF \$30.07 IN LATE FEES FOR REAL PROPERTY TAX PAYMENT

WHEREAS, the Borough Administrator has recommended approval of a request to cancel \$30.07 in late fees due to extraordinary circumstances for delinquent payment of third quarter 2009 taxes on property at 393 Woodland Road, block 3404, lot 43; and

WHEREAS, the Council has determined to cancel said late fees and interest thereon.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the tax collector is authorized to cancel the late fees in the amount of \$30.07 and interest thereon regarding block 3404, lot 43.

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R117-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDING PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION OVERSIGHT OF PROSPECT STREET AND KINGS ROAD SIGNALIZATION IMPROVEMENTS TO BOSWELL ENGINEERING IN THE AMOUNT OF \$6,000.00

WHEREAS, the Borough Engineer has recommended that the Borough obtain professional services from Boswell Engineering for construction oversight of Prospect Street and Kings Road signalization improvements (hereinafter the “Contract”); and

WHEREAS, said services would constitute professional services for which a contract may be awarded without the need of competitive bidding pursuant to N.J.S.A. 40A:11-5; and

WHEREAS, the Borough Engineer has determined and certified in writing that the value of this acquisition will not exceed \$17,500.00; and

WHEREAS, the Borough Engineer has recommended that the Borough Council award the Contract to Boswell Engineering in an amount not to exceed \$6,000.00, for construction oversight of Prospect Street and Kings Road signalization improvements; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$6,000.00 for this purpose, which funds were appropriated by Ordinance 58-2008.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. The Mayor and Borough Clerk are hereby authorized to execute, on behalf of the Borough, a professional service contract for professional services with Boswell Engineering for construction oversight of Prospect Street and Kings Road signalization improvements in an amount not to exceed \$6,000.00, such contract to be in a form approved by the Borough Attorney.

2. The Borough Clerk is hereby directed to publish notice of the adoption of this resolution in the official newspaper of the Borough of Madison within ten (10) days of its adoption pursuant to N.J.S.A. 40A:11-5.

R 118-2010 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CHANGE ORDER AND FINAL PAYMENT REQUEST FROM LANDSCAPE MAINTENANCE SERVICES INC. FOR THE MADISON TRAIN STATION LANDSCAPE PROJECT

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WHEREAS, a contract for the Madison Train Station landscaping project, in an amount not to exceed \$65,842.25 was awarded to Landscape Maintenance Services, Inc., of Hillsborough, New Jersey, by Resolution 224-2009; and

WHEREAS, the Borough Engineer has recommended approval of a change order to the contract for changes that were encountered during the construction, in an additional amount of \$7,601.75 bringing the contract total to \$73,444.00; and

WHEREAS, the Borough Engineer has advised the project has been completed and has recommended approval of final payment including the change order to Landscape Maintenance Services, Inc. of Hillsborough, New Jersey in an amount not to exceed \$7,601.75; and

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed \$7,601.75 for this purpose, which funds were appropriated by Ordinance 42-2006. **NOW THEREFORE, BE IT**

RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the final payment and change order request from Landscape Maintenance Services, Inc. of Hillsborough, New Jersey, in the total amount not to exceed \$7,601.75 for the Madison Train Station landscaping project is authorized.

R 121-2010 RESOLUTION OF THE BOROUGH OF MADISON GRANTING AMERICAN CANCER SOCIETY RELAY FOR LIFE PERMISSION TO TIE RIBBONS AROUND TREES ON THE MAIN STREETS OF MADISON FROM APRIL 30, 2010 THROUGH MAY 7, 2010 IN SUPPORT OF THEIR PAINT THE TOWN OF MADISON PURPLE CAMPAIGN

WHEREAS, the American Cancer Society Relay for Life has requested permission for ribbons to be tied on Borough street trees on the main streets of the Borough from April 30, 2010 to May 7, 2010 in support of their “Paint the Town of Madison Purple” cancer awareness promotion; and

WHEREAS, the Borough Council has determined to grant this request.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the request for ribbons to be tied on Borough street trees from April 30, 2010 to May 7, 2010 in support of the American Cancer Society Relay for Life “Paint the Town of Madison Purple” cancer awareness promotion is hereby approved.

Mrs. Tsukamoto moved adoption of Resolution R 111-2010 removed from the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

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Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: Mr. Cerciello, Mr. Links

R 111-2010 RESOLUTION OF THE BOROUGH OF MADISON AWARDING CONTRACT TO JEN ELECTRIC TO REPLACE AND IMPROVE BLINKER SIGNALS IN THE BOROUGH OF MADISON IN THE TOTAL AMOUNT OF \$19,583.25

WHEREAS, the Borough of Madison desires to purchase replacement equipment and services to replace and improve blinker signals from an authorized vendor under State Contract; and

WHEREAS, the purchase of goods and services through State agency by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12, et seq; and

WHEREAS, Jen Electric, Inc., 631 Morris Avenue, Springfield, New Jersey has been awarded a New Jersey State contract; and

WHEREAS, the Borough Engineer has recommended that the Borough Council utilize this contract for replacement equipment and services to replace and improve blinker signals; and

WHEREAS, the Director of Finance has attested that funds will be available in an amount not to exceed \$19,583.25 for this purpose upon final adoption of Ordinance 19-2010.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. Upon final adoption of Ordinance 19-2010, the purchase of replacement equipment and services to replace and improve blinker signals, at a total price not to exceed \$19,583.25 is hereby approved under New Jersey State contract.

2. Upon final adoption of Ordinance 19-2010, the Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Jen Electric, Inc. for the purchase of replacement equipment and services to replace and improve blinker signals, at a total price not to exceed \$19,583.25, in a form acceptable to the Borough Attorney.

Mrs. Tsukamoto moved adoption of Resolution R 113-2010 removed from the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito

Nays: Mr. Cerciello, Mr. Links

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R 113-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING
CHANGE ORDER #8 FOR THE HDM PROJECT

WHEREAS, a contract for the rehabilitation of the Hartley Dodge Memorial, in an amount not to exceed \$6,317,000 was awarded to Merrell & Garaguso, Inc., by Resolution 124-2009; and

WHEREAS, Change Orders #1, #2, #3, #4, #5, #6 and #7 have previously been approved for a total additional amount of \$421,753.00; and

WHEREAS, the Borough Administrator has recommended approval of a Change Order #8 as set forth on the attached AIA Document G701-2001, dated April 6, 2010, including a further extension of the contract completion date so that the date of substantial completion is October 20, 2010, in an additional amount of \$47,322.00 bringing the contract total to \$6,786,075.00; and

WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed \$47,322.00 for this purpose, which funds were appropriated by Ordinance 58-2008.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the change order request #8 from Merrell & Garaguso, Inc., in the total amount not to exceed \$47,322.00 for the rehabilitation of the Hartley Dodge Memorial is authorized.

Mrs. Tsukamoto moved adoption of Resolution R 119-2010 removed from the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto, Dr. Esposito, Mr. Links

Nays: Mr. Cerciello

R 119-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING
CHANGE ORDER #9 FOR THE HDM PROJECT

WHEREAS, a contract for the rehabilitation of the Hartley Dodge Memorial, in an amount not to exceed \$6,317,000 was awarded to Merrell & Garaguso, Inc., by Resolution 124-2009; and

WHEREAS, Change Orders #1, #2, #3, #4, #5, #6, #7 and #8 have previously been approved for a total additional amount of \$469,075.00; and

WHEREAS, the Borough Administrator has recommended approval of a Change Order #9 as set forth on the attached AIA Document G701-2001, dated April 26, 2010, in an additional amount of \$18,171.00 bringing the contract total to \$6,804,246.00; and

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WHEREAS, the Director of Finance has attested to the availability of funds in an amount not to exceed \$18,171.00 for this purpose, which funds were appropriated by Ordinance 58-2008.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the change order request #9 from Merrell & Garaguso, Inc., in the total amount not to exceed \$18,171.00 for the rehabilitation of the Hartley Dodge Memorial is authorized.

Mrs. Tsukamoto moved adoption of Resolution R 120-2010 removed from the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Mrs. Tsukamoto, Dr. Esposito, Mr. Cerciello, Mr. Links
Nays: Ms. Baillie, Mr. Conley

R 120-2010 RESOLUTION OF THE BOROUGH OF MADISON APPROVING CHANGE ORDER #10 FOR THE HDM PROJECT

WHEREAS, a contract for the rehabilitation of the Hartley Dodge Memorial, in an amount not to exceed \$6,317,000 was awarded to Merrell & Garaguso, Inc., by Resolution 124-2009; and

WHEREAS, Change Orders #1, #2, #3, #4, #5, #6, #7, #8 and #9 have previously been approved for a total additional amount of \$487,296.00; and

WHEREAS, the Borough Administrator has recommended approval of a Change Order #10 as set forth on the attached AIA Document G701-2001, dated April 26, 2010, reducing the amount of the contract by \$23,208.00 bringing the contract total to \$6,781,038.00.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that the change order request #10 from Merrell & Garaguso, Inc., reducing the total contract amount by \$23,208.00 for the rehabilitation of the Hartley Dodge Memorial is authorized.

INVITATION FOR DISCUSSION (2 of 2)

Mayor Holden opened the meeting to the public for their opportunity to ask questions and make comments on any subject. The Mayor asked that, upon recognition by the Chair, the person shall proceed to the lectern and give his/her name and address in an audible tone of voice, and print the same on the sheet provided for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

John Glynn, Pomeroy Road, inquired about the defeated school budget and asked that there be more transparency. Mr. Glynn asked for an explanation regarding a

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proposed million dollar grant for the recreation fields and asked that the School Board consider asking the State to consider using capital funds for operating expenses.

Tom Haralampoudis, Pomeroy Road, asked the Council to consider helping the Board of Education to restore after-school and sports programs at the Junior School to keep the children of Madison active and off the streets. Mr. Links noted that the Board of Education's additional question, which was not passed by the voters of Madison, is no longer for consideration. Mr. Haralampoudis asked about a maintenance plan for grass fields. Mr. Haralampoudis raised concern regarding funding for the Madison Recreation Center. Mr. Links indicated that several areas of fundraising are being considered.

Mrs. Tsukamoto moved to extend the meeting beyond 11:00 p.m. for 10 minutes, seconded by Mr. Conley and agreed to unanimously

Robert McDowell, Knollwood Avenue, suggested that the Council, while working with the Board of Education, look into additional support along with other municipalities to get more money from Trenton.

Ernie Cicconi, Seven Oaks Circle, President of the Madison Little League and a member of the Recreation Advisory Committee, asked that the Council reconsider a reduction of the Recreation Director position. Mr. Cicconi suggested that this is not the time, with issues regarding fields, to reduce recreation services.

Toni DeRosa, Alexander Avenue, urged the Council to continue progress to improvements to Lincoln Place. Mrs. DeRosa also asked for support regarding possibilities of a 24-hour business in the Alexander and Greenwood Avenues area. This area abuts a residential area and is not what Madison is designed for. Mrs. DeRosa asked that the Council move forward with legislation that would protect the residents of this area. Mr. Mezzacca indicated that it is not possible to restrict 24-hour business altogether, but if there is sufficient impact on residential areas, some restrictive legislation may be a possibility. Mrs. DeRosa inquired about design standards for commercial developers. Ms. Baillie noted that the Planning Board will discuss this at its second meeting in May.

Paul Allocco, Greenwood Avenue, raised concern regarding proposed 24-hour business, noting the effect on quality of life. Mr. Allocco asked other residents present to stand and offer their concern as well.

Stephen Wells, Green Avenue, expressed concern regarding the defeated school budget, noting that the children will suffer. Mr. Wells indicated that there is no room for cutting in the Board of Education budget. Mr. Wells offered a copy of a letter sent to the Editor of the Madison Eagle stating his position. Mr. Wells indicated he feels if municipal employees accept a salary freeze, then the teachers would agree. Mr. Wells asked that if the Madison Police go to arbitration, where does that leave the municipal budget.

Mrs. Tsukamoto moved to extend the meeting beyond 11:20 p.m. for 10 minutes, seconded by Mr. Conley and agreed to unanimously

Jim Finelli, Main Street, expressed his disappointment at the elimination of the Recreation Director's position. Mr. Finelli inquired about the ordinances introduced for improvements to Lincoln Place and asked if some of the work can be completed in house.

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UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS

On motion by Mrs. Tsukamoto, seconded by Ms. Baillie and carried, the following vouchers of the Borough of Madison were approved for payment, and the supporting documentation of said vouchers was made part of the Supplemental Minute Book. Health & Public Assistance and Public Works & Engineering payments were removed from the vouchers list.

Public Safety	\$12,280.14
Health & Public Assistance	10,801.85
Public Works & Engineering	237,956.38
Community Affairs	779.21
Finance & Borough Clerk	1,127,365.86
Utilities	<u>1,334,628.86</u>
Total	<u>\$2,723,812.30</u>

The following roll call vote was recorded approving the aforementioned vouchers:

Yeas: Ms. Baillie, Mr. Conley, Mrs. Tsukamoto
Dr. Esposito, Mr. Cerciello, Mr. Links

Nays: None

NEW BUSINESS - None

ADJOURN

There being no further business to come before the Council, the meeting was adjourned at 11:25 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved May 10, 2010 (EO)